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9 **BEFORE THE**
RESPIRATORY CARE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 1H-2007-656

13 CHRISTOPHER DEL COPPOCK
8762 Edwin Street
14 Rancho Cucamonga, CA 91730

STATEMENT OF ISSUES

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Respiratory Care Board of California.

21 2. On or about October 26, 2007, the Respiratory Care Board of California
22 (Board) received an application for a Respiratory Care Practitioner License from
23 CHRISTOPHER DEL COPPOCK (Respondent). On or about October 1, 2007, Respondent
24 certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on or about January 23,
26 2008.

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JURISDICTION

3. This Statement of Issues is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3710 of the Code states, in pertinent part, that “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 3750 of the Code states:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“...

“(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

“...”

7. Section 3732 of the Code states:

“(a) The board shall investigate an applicant for a license, before a license is issued, in order to determine whether or not the applicant has the qualifications required by this chapter.

“(b) The board may deny an application, or may order the issuance of a license with terms and conditions, for any of the causes specified in this chapter for suspension or revocation of a license, including, but not limited to, those causes specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761.”

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1 8. Section 3752 of the Code states,

2 “A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge of any offense which substantially relates to
4 the qualifications, functions, or duties of a respiratory care practitioner is
5 deemed to be a conviction within the meaning of this article. The board
6 shall order the license suspended or revoked, or may decline to issue a
7 license, when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting
9 probation is made suspending the imposition of sentence, irrespective of a
10 subsequent order under Section 1203.4 of the Penal Code allowing the
11 person to withdraw his or her plea of guilty and to enter a plea of not guilty,
12 or setting aside the verdict of guilty, or dismissing the accusation,
13 information, or indictment.”

14 9. Section 3752.5 of the Code states:

15 “For purposes of Division 1.5 (commencing with Section 475), and
16 this chapter [the Respiratory Care Practice Act], a crime involving bodily
17 injury or attempted bodily injury shall be considered a crime substantially
18 related to the qualifications, functions, or duties of a respiratory care
19 practitioner.”

20 10. Section 3754 of the Code states: “The board may deny an
21 application for, or issue with terms and conditions, or suspend or revoke, or impose
22 probationary conditions upon, a license in any decision made after a hearing, as provided
23 in Section 3753.”

24 11. California Code of Regulations, title 16, section 1399.370, states, in
25 pertinent part:

26 “For the purposes of denial, suspension, or revocation of a license, a
27 crime or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a respiratory care practitioner, if it

1 evidences present or potential unfitness of a licensee to perform the
2 functions authorized by his or her license or in a manner inconsistent with
3 the public health, safety, or welfare. Such crimes or acts include but are not
4 limited to those involving the following:

5 (a) Violating or attempting to violate, directly or indirectly, or
6 assisting or abetting the violation of or conspiring to violation any
7 provision or term of the Act.

8 “...”

9 COST RECOVERY

10 12. Section 3753.5, subdivision (a) of the Code states:

11 “In any order issued in resolution of a disciplinary proceeding
12 before the board, the board or the administrative law judge may direct any
13 practitioner or applicant found to have committed a violation or violations
14 of law to pay to the board a sum not to exceed the costs of the investigation
15 and prosecution of the case.”

16 13. Section 3753.7 of the Code states:

17 “For purposes of the Respiratory Care Practice Act, costs of
18 prosecution shall include attorney general or other prosecuting attorney
19 fees, expert witness fees, and other administrative, filing, and service fees.”

20 14. Section 3753.1 of the Code states:

21 “(a) An administrative disciplinary decision imposing terms of
22 probation may include, among other things, a requirement that the
23 licensee-probationer pay the monetary costs associated with monitoring the
24 probation.

25 “...”

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1 permitted Respondent's sentence to be served in a work furlough program.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters
4 herein alleged, and that following the hearing, the Board issue a decision:

5 1. Denying the application of Christopher Del Coppock for a
6 Respiratory Care Practitioner License;

7 2. Directing Christopher Del Coppock to pay the Respiratory Care
8 Board of California the costs of the investigation and enforcement of this case, and if
9 placed on probation, the costs of probation monitoring;

10 3. Taking such other and further action as deemed necessary and
11 proper.

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13 DATED: April 23, 2008

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15 Original signed by Liane Zimmerman for:
16 STEPHANIE NUNEZ
17 Executive Officer
18 Respiratory Care Board of California
19 State of California
20 Complainant

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